

I. **AMENDMENT**

A. **Claims**

Please amend the claims as follows.

1. (Currently amended) A method of using an apparatus in processing a request to send a gift, the method comprising:

receiving a request to send a gift, by a communication over the Internet, from a first party;

obtaining, over the Internet as a name from said first party, only a pseudonym of a second party to receive said gift;

securing over the Internet a non-pseudonymous name and address associated with the second party's pseudonym without revealing a non-pseudonymous name of said second party to said first party; and

determining, over the Internet, whether said second party would accept the gift such that:

if said second party would not accept the gift, electronically informing said first party that said second party has chosen not to accept said gift; and

if said second party would accept the gift, processing said request to send said gift to produce computer output enabling said gift to be sent second party, and wherein the method is carried out without revealing a non-pseudonymous name of one of said parties to another of the parties, according to the request.

2. (Previously presented) The method of claim 1, further including issuing an order that said gift be sent to said second party's non-pseudonymous name and address.

3. (Original) The method of claim 1, wherein said step of securing a non-pseudonymous name and address associated with said second party's pseudonym is carried out by looking up said second party's pseudonym in a network membership database.

4. (Original) The method of claim 1, wherein said step of securing a non-pseudonymous name and address associated with said second party's pseudonym is carried out by contacting said second party and requesting revelation of said second party's non-pseudonymous name and address.

5. (Previously presented) The method of claim 1, further including, prior to receiving said request:

giving said second party an opportunity to choose whether said second party will accept, or will not accept, attempted gifts addressed only to said second party's pseudonym; and

if said second party exercises the opportunity, storing in a database in association with said second party's pseudonym or name and address.

6. (Previously presented) The method of claim 5, further including, upon electronically obtaining said second party's pseudonym from said first party, checking said second party's stored choice.

7. (Previously presented) The method of claim 5, further including, if said second party's choice is to accept gifts addressed only to said second party's

pseudonym, issuing an order that said gift identified by said first party be sent to said second party's non-pseudonymous name and address.

8. (Previously presented) The method of claim 5, further including, if said second party's choice is not to accept gifts addressed only to said second party's pseudonym, initiating electronically informing said first party that said gift identified by said first party was not sent to said second party's non-pseudonymous name and address.

9. (Previously presented) The method of claim 1, wherein said informing is carried out by sending a communication addressed only to said second party's pseudonym.

10. (Previously presented) The method of claim 1, further including electronically communicating to a third party an order that said gift be sent.

11. (Previously presented) The method of claim 1, further including electronically giving said first party an opportunity override the processing to reveal true identity information about said first party's self.

12. (Previously presented) The method of claim 1, further including electronically giving said second party an opportunity to reveal true identity information about said second party to said first party.

13. (Previously presented) The method of claim 1, further including electronically charging a fee corresponding to the gift to said first party.

14. (Previously presented) The method of claim 13, wherein said fee is charged electronically to a charge card of said first party.

15. (Previously presented) The method of claim 13, further including confirming receipt of said order that said gift be sent, before electronically charging said fee to said first party.

16. (Previously presented) The method of claim 1, further including electronically charging a first fee to said first party.

17. (Previously presented) The method of claim 16, further including electronically charging a second fee to said first party, wherein said second fee is related to the value of said gift.

18. (Previously presented) The method of claim 1, further including electronically charging a fee to said second party.

19. (Currently amended) A gift giving ~~system, the system~~ apparatus comprising:

a gift giving website enabling, over a network, a first party on a computer to send a gift to a second party, wherein the enabling is carried out without revealing a non-pseudonymous name corresponding to said first party in a database to said second

party and without revealing a non-pseudonymous name of said second party in said database to said first party over said network.

20. (Currently amended) The ~~system~~ apparatus of claim 19, wherein said website enables charging a fee to said first party.

21. (Currently amended) The ~~system~~ apparatus of claim 19, wherein said website enables said second party to refuse said gift from said first party.

22. (Currently amended) The ~~system~~ apparatus of claim 19, wherein said website enables said second party to refuse said gift from said first party if said first party is not identified by a particular name.

23. (Currently amended) The ~~system~~ apparatus of claim 19, wherein said website enables said second party to refuse said gift from said first party if said first party is not identified by a true name.

24. (Currently amended) The ~~system~~ apparatus of claim 19, wherein said website enables said second party to refuse said gift from said first party if said first party is identified by a particular pseudonym.

25. (Currently amended) The ~~system~~ apparatus of claim 19, wherein said website enables said second party to refuse said gift from said first party if said gift is of a particular product-type.

26. (Currently amended) The ~~system~~ apparatus of claim 19, wherein said website enables said second party to respond to said first party after delivery of said gift sent to said second party by said first party.

27. (Currently amended) The ~~system~~ apparatus of claim 19, wherein said website enables said second party to respond to said first party after refusal of an attempted gift to said second party by said first party.

28. (Currently amended) The ~~system~~ apparatus of claim 19, wherein said website enables said first party to selectably reveal or maintain confidentiality of true identity information of said first party.

29. (Currently amended) The ~~system~~ apparatus of claim 19, wherein said website enables said second party to selectably reveal or maintain confidentiality of said second party's true identity information.

30. (Previously presented) The method of claim 1, wherein said gift is only sent responsive to a message received from the second party.

31. (Previously presented) The method of claim 1, wherein said gift is only sent responsive to an acceptance communication electronically received from the second party.

32. (Previously presented) The method of claim 1, wherein said gift is only sent responsive to a signal received over the Internet from the second party.

33. (Currently amended) The method of claim 1, wherein the processing said request to send a gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

34. (Currently amended) The method of claim 2, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

35. (Currently amended) The method of claim 3, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

36. (Currently amended) The method of claim 4, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

37. (Currently amended) The method of claim 5, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

38. (Currently amended) The method of claim 6, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

39. (Currently amended) The method of claim 7, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

40. (Currently amended) The method of claim 8, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

41. (Currently amended) The method of claim 9, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

42. (Currently amended) The method of claim 10, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~



43. (Currently amended)      The method of claim 11, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

44. (Currently amended)      The method of claim 12, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

45. (Currently amended)      The method of claim 13, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

46. (Currently amended)      The method of claim 14, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

47. (Currently amended)      The method of claim 15, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

48. (Currently amended) The method of claim 16, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

49. (Currently amended) The method of claim 17, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

50. (Currently amended) The method of claim 18, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

51. (Currently amended) The ~~system~~ apparatus of claim 19, wherein the website enables processing a request to send said gift by accessing a database containing said non-pseudonymous name of said first party and said non-pseudonymous name of the said second party.

52. (Currently amended) The ~~system~~ apparatus of claim 20, wherein the website enables processing a request to send said gift by accessing a database containing said non-pseudonymous name of said first party and said non-pseudonymous name of the said second party.

53. (Currently amended) The ~~system~~ apparatus of claim 21, wherein the website enables processing a request to send said gift by accessing a membership database containing the non-pseudonymous name of said second party.

54. (Currently amended) The ~~system~~ apparatus of claim 22, wherein the website enables processing a request to send said gift by accessing a membership database containing the non-pseudonymous name of said second party.

55. (Currently amended) The ~~system~~ apparatus of claim 23, wherein the website enables processing a request to send said gift by accessing a membership database containing the non-pseudonymous name of said second party.

56. (Currently amended) The ~~system~~ apparatus of claim 24, wherein the website enables processing a request to send said gift by accessing a membership database containing the non-pseudonymous name of said second party.

57. (Currently amended) The ~~system~~ apparatus of claim 25, wherein the website enables processing a request to send said gift by accessing a membership database containing the non-pseudonymous name of said second party.

58. (Currently amended) The ~~system~~ apparatus of claim 26, wherein the website enables processing a request to send said gift by accessing a membership database containing the non-pseudonymous name of said second party.

59. (Currently amended) The ~~system~~ apparatus of claim 27, wherein the website enables processing a request to send said gift by accessing a membership database containing the non-pseudonymous name of said second party.

60. (Currently amended) The ~~system~~ apparatus of claim 28, wherein the website enables processing a request to send said gift by accessing a membership database containing the non-pseudonymous name of said second party.

61. (Currently amended) The ~~system~~ apparatus of claim 29, wherein the website enables processing a request to send said gift by accessing a membership database containing the non-pseudonymous name of said second party.

62. (Currently amended) The method of claim 30, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

63. (Currently amended) The method of claim 31, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

64. (Currently amended) The method of claim 32, wherein the processing said request to send said gift is carried out without revealing the non-

pseudonymous name of said first party to said second party, ~~and without revealing a non-pseudonymous name of said second party to said first party.~~

65. (Currently amended) The method of claim 1, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

66. (Currently amended) The method of claim 2, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

67. (Currently amended) The method of claim 3, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

68. (Currently amended) The method of claim 4, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

69. (Currently amended) The method of claim 5, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

70. (Currently amended) The method of claim 6, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

71. (Currently amended) The method of claim 7, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

72. (Currently amended) The method of claim 8, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

73. (Currently amended) The method of claim 9, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

74. (Currently amended) The method of claim 10, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

75. (Currently amended) The method of claim 11, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

76. (Currently amended) The method of claim 12, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

77. (Currently amended) The method of claim 13, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

78. (Currently amended) The method of claim 14, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

79. (Currently amended) The method of claim 15, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

80. (Currently amended) The method of claim 16, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

81. (Currently amended) The method of claim 17, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

82. (Currently amended) The method of claim 18, wherein the gift comprises flowers ~~processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.~~

83. (Currently amended) The ~~system~~ apparatus of claim 19, wherein the website is a website of a member network, said first party and said second party being members of the network, wherein data internal to the network includes said non-pseudonymous name and address respectively corresponding to each said member, said data enabling said first party to send said gift via said website.

84. (Currently amended) The ~~system~~ apparatus of claim 20, wherein the website is a website of a member network, said first party and said second party being members of the network, wherein data internal to the network includes said non-pseudonymous name and address respectively corresponding to each said member, said data enabling said first party to send said gift via said website.

85. (Currently amended) The ~~system~~ apparatus of claim 21, wherein the website is a website of a member network, said first party and said second party being members of the network, wherein data internal to the network includes said non-pseudonymous name and address respectively corresponding to each said member, said data enabling said first party to send said gift via said website.

86. (Currently amended) The ~~system~~ apparatus of claim 22, wherein the website is a website of a member network, said first party and said second party being members of the network, wherein data internal to the network includes said non-pseudonymous name and address respectively corresponding to each said member, said data enabling said first party to send said gift via said website.



87. (Currently amended) The ~~system~~ apparatus of claim 23, wherein the website is a website of a member network, said first party and said second party being members of the network, wherein data internal to the network includes said non-pseudonymous name and address respectively corresponding to each said member, said data enabling said first party to send said gift via said website.

88. (Currently amended) The ~~system~~ apparatus of claim 24, wherein the website is a website of a member network, said first party and said second party being members of the network, wherein data internal to the network includes said non-pseudonymous name and address respectively corresponding to each said member, said data enabling said first party to send said gift via said website.

89. (Currently amended) The ~~system~~ apparatus of claim 25, wherein the website is a website of a member network, said first party and said second party being members of the network, wherein data internal to the network includes said non-pseudonymous name and address respectively corresponding to each said member, said data enabling said first party to send said gift via said website.

90. (Currently amended) The ~~system~~ apparatus of claim 26, wherein the website is a website of a member network, said first party and said second party being members of the network, wherein data internal to the network includes said non-pseudonymous name and address respectively corresponding to each said member, said data enabling said first party to send said gift via said website.

91. (Currently amended) The ~~system~~ apparatus of claim 27, wherein the website is a website of a member network, said first party and said second party being members of the network, wherein data internal to the network includes said non-pseudonymous name and address respectively corresponding to each said member, said data enabling said first party to send said gift via said website.

92. (Currently amended) The ~~system~~ apparatus of claim 28, wherein the website is a website of a member network, said first party and said second party being members of the network, wherein data internal to the network includes said non-pseudonymous name and address respectively corresponding to each said member, said data enabling said first party to send said gift via said website.

93. (Currently amended) The ~~system~~ apparatus of claim 29, wherein the website is a website of a member network, said first party and said second party being members of the network, wherein data internal to the network includes said non-pseudonymous name and address respectively corresponding to each said member, said data enabling said first party to send said gift via said website.

94. (Currently amended) The method of claim 1, wherein the gift comprises candy 30, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.

95. (Currently amended) The method of claim 2, wherein the gift comprises candy 31, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.

96. (Currently amended) The method of claim 3, wherein the gift comprises candy 32, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party.

97. (Currently amended) The method of claim 5, wherein the gift comprises candy 1, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.

98. (Currently amended) The method of claim 10, wherein the gift comprises candy 2, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.

99. (Currently amended) The apparatus of claim 19, wherein the gift comprises candy method of claim 3, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.

100. (Currently amended) The apparatus of claim 83, wherein the gift comprises candy method of claim 4, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.

101. (Currently amended) The apparatus of claim 19, wherein the gift comprises flowers method of claim 5, wherein the processing said request to send said

gift is carried out without revealing the non-pseudonymous name of said second party to said first party.

102. (Currently amended) The apparatus of claim 20, wherein the gift comprises flowers method of claim 6, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.

103. (Currently amended) The apparatus of claim 21, wherein the gift comprises flowers method of claim 7, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.

104. (Currently amended) The apparatus of claim 22, wherein the gift comprises flowers method of claim 8, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.

105. (Currently amended) The apparatus of claim 23, wherein the gift comprises flowers method of claim 9, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.

106. (Currently amended) The apparatus of claim 24, wherein the gift comprises flowers ~~method of claim 10, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.~~

107. (Currently amended) The apparatus of claim 25, wherein the gift comprises flowers ~~method of claim 11, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.~~

108. (Currently amended) The apparatus of claim 26, wherein the gift comprises flowers ~~method of claim 12, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.~~

109. (Currently amended) The apparatus of claim 27, wherein the gift comprises flowers ~~method of claim 13, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.~~

110. (Currently amended) The apparatus of claim 28, wherein the gift comprises flowers ~~method of claim 14, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.~~

111. (Currently amended) The apparatus of claim 29, wherein the gift comprises flowers ~~method of claim 15, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.~~

112. (Currently amended) The apparatus of claim 51, wherein the gift comprises flowers ~~method of claim 16, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.~~

113. (Currently amended) The apparatus of claim 83, wherein the gift comprises flowers ~~method of claim 17, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.~~

114. (Currently amended) The apparatus of claim 19, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift ~~method of claim 18, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.~~

115. (Currently amended) The apparatus of claim 114, wherein the gift comprises flowers ~~system of claim 19, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift.~~

116. (Currently amended) The ~~system~~ apparatus of claim 20, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift.

117. (Currently amended) The ~~system~~ apparatus of claim 21, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift.

118. (Currently amended) The ~~system~~ apparatus of claim 22, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift.

119. (Currently amended) The ~~system~~ apparatus of claim 23, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift.

120. (Currently amended) The ~~system~~ apparatus of claim 24, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift.

121. (Currently amended) The ~~system~~ apparatus of claim 25, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift.

122. (Currently amended) The ~~system~~ apparatus of claim 26, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift.

123. (Currently amended) The ~~system~~ apparatus of claim 27, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift.

124. (Currently amended) The ~~system~~ apparatus of claim 28, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift.

125. (Currently amended) The ~~system~~ apparatus of claim 29, wherein the website determines whether said second party would accept said gift prior to said enabling said first party to send said gift.

126. (Previously presented) The method of claim 30, further including enabling the processing with a website of a member network, said first party and said second party being respective members, and wherein the processing step is carried out accessing member data internal to the network to obtain the non-pseudonymous name and address of the second party.

127. (Previously presented) The method of claim 31, further including enabling the processing with a website of a member network, said first party and said second party being respective members, and wherein the processing step is carried out



accessing member data internal to the network to obtain the non-pseudonymous name and address of the second party.

128. (Previously presented) The method of claim 32, further including enabling the processing with a website of a member network, said first party and said second party being respective members, and wherein the processing step is carried out accessing member data internal to the network to obtain the non-pseudonymous name and address of the second party.

129. (Currently amended) A method for processing a request to send a gift, the method comprising:

a network including a ~~web site~~ website and enabling to access a membership database in which a first party and a second party are respectively indicated as members, each of said parties having a respective pseudonymous name and non-pseudonymous name[.];

receiving a the request to send a gift, by a communication to the web site through the website to send a gift, from the first party to the second party named by using only the second party's pseudonym;

obtaining a non-pseudonymous name and address associated with the second party's pseudonym in the membership database without revealing the non-pseudonymous name of the second party to the first party; and

processing said request to send said gift to produce computer output enabling said gift to be sent to said second party without revealing the non-pseudonymous name of one of said parties to another of the parties.

130. (Previously presented) The method of claim 129, wherein the processing said request to send a gift is carried out without revealing the non-pseudonymous name of said first party to said second party.

131. (Previously presented) The method of claim 129, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said second party to said first party.

132. (Previously presented) The method of claim 129, wherein the processing said request to send said gift is carried out without revealing the non-pseudonymous name of said first party to said second party, and without revealing the non-pseudonymous name of said second party to said first party.

133. (Previously presented) The method of claim 129, further including electronically communicating to a third party an order that said gift be sent.

134. (New) A gift giving apparatus comprising:  
a gift giving website enabling, over a network, a first party on a computer to send a gift to a second party, wherein the enabling is carried out without revealing a non-pseudonymous name corresponding to said first party in a database to said second party and without revealing a non-pseudonymous name of said second party in said database to said first party over said network; and  
said website enables said second party to refuse said gift from said first party if said gift is of a particular product type.

135. (New) A gift giving apparatus comprising:

a gift giving website enabling, over a network, a first party on a computer to send a gift to a second party, wherein the enabling is carried out without revealing a non-pseudonymous name corresponding to said first party in a database to said second party and without revealing a non-pseudonymous name of said second party in said database to said first party over said network; and

said website enables said second party to refuse said gift from said first party and further enables said second party respond to said first party after refusal of an attempted gift to said second party by the first party.

136. (New) A gift giving apparatus comprising:

a gift giving website including a membership database with non-pseudonymous names and pseudonyms for parties;

said gift giving website enables, over a network, a first party on a computer to send a gift to a second party, wherein the enabling is carried out without revealing a non-pseudonymous name corresponding to said first party in said membership database to said second party and without revealing a non-pseudonymous name of said second party in said membership database to said first party over said network.

137. (New) A method of giving a gift over a network using a website comprising:

providing a database of non-pseudonym names and associated pseudonyms for parties;

initially only revealing to a first party of said parties said associated  
pseudonym of a second party of said parties;  
requesting a gift by said first party for said second party using said  
pseudonyms with said website;  
sending said gift from said first party to said second party, without  
revealing said non-pseudonymous name corresponding to said first party to said second  
party and without revealing said non-pseudonymous name of said second party to said  
first party.

## II. REMARKS

Respectfully, and generally for the reasons set forth below, the objections and rejections and each ground therefore are traversed for the reasons set forth in the filing of May 7, 2007. The changes made herein are believed to be consistent therewith.

Applicant thanks the Examiner for identifying allowable subject matter in dependent claims 25, 27, 57, 59, 89, 91, 121 and 123, that is not taught in the prior art, and would be allowable if placed in independent form. Amendments with arguments are believed to place all claims in condition for allowance. New claims have been added which include limitations that were identified by the Examiner as allowable.

### **Applicant's Response to Examiner's Rejections Under 35 U.S.C. Sec. 112**

#### **Claim 19**

Claim 19 has been rejected pursuant to 35 U.S.C. Sec. 112, first paragraph. The Examiner contends that the claim contains subject matter which was not described in the specification in such a way as to enable one skilled in art to which it pertains, or with which it is most nearly connected to make and/or use the invention. More particularly, the Examiner contends that claim 19 is a "single means" claim, as is more precisely set out in the office action.

Claim 19 has been rejected pursuant to 35 U.S.C. Sec. 112, second paragraph. The Examiner contends that the claim is vague and indefinite, in that the whole claim is an intended use, as is more precisely set out in the office action.

In response, the rejection is respectfully traversed. The Examiner's rejections of claim 19 under 35 USC 112 are improper, and the Examiner appears to have been confused by the manner in which the claim is constructed. Amendments are believed to help remedy this issue.

Claim 19 is clearly not comparable to the “single means” claim of *In re Hyatt*. Firstly, this is neither a “means” claim construction nor is it consistent with the claim of issue in *In re Hyatt*. Compare to claim in *In re Hyatt*, MPEP 2164.08(a). Second, the Examiner’s attempt at paraphrasing and simplifying the claim to one limitation of “a gift giving website” is improper. Examiner’s interpretation of claim language is incorrect.

The original claim is directed to an apparatus performing the specified enabling operations as recited in the following claim language:

19. A gift giving system, the system comprising:  
a gift giving website enabling a first party to send a gift to a second party, wherein the enabling is carried out without revealing a non-pseudonymous name corresponding to said first party to said second party and without revealing a non-pseudonymous name of said second party to said first party.

As to the Examiner’s interpretation of the “Web site”, Applicant does not disagree with this simple definition. However, the Examiner should recognize that the group is *served up by an HTTP server on to a network* (the World Wide Web). Therefore, even the Examiner’s improperly simplified interpretation of the claim, clearly includes a server that is further limited by the recited specific operations the server is enabled to perform.

The Examiner has taken the position that the claim may be intended use of a website. Intended use would be “a website for giving gifts” without further limitations defining the website operations and structure. This is simply not the case with respect to

claim 19. Claim 19, as amended, is a system which is an apparatus, and it is believed that the amendment changing “system” to apparatus does not change the scope of the claim: “a gift giving website”, “enabling”, over a network, “first party” on a computer, “to send a gift to a second party”, where the website carries out the enabled operation with further constraints of “without revealing a non-pseudonymous name corresponding to said first party to said second party and without revealing a non-pseudonymous name of said second party to said first party over said network”. These limitations are clearly not optional.

The Examiner has taken the position that the claim is unclear as to what statutory class of invention it encompasses and that there is no structure. A website performing operations, i.e. “enabling”, must be an apparatus based system. Claim 19, as amended, makes what was previously claimed more apparent: it is an apparatus, “a gift giving website” (apparatus) that is “enabling”, over a network (apparatus), “first party” on a computer (apparatus), “to send a gift to a second party”, where the website (apparatus) carries out the enabled operation with further constraints of “without revealing a non-pseudonymous name corresponding to said first party to said second party and without revealing a non-pseudonymous name of said second party to said first party over said network”. Claim limitations provide sufficient structural relationships, and Applicant’s specification is clear that the gift giving system is implemented with a “gift giving website” 24 accessed by a “first party”, giftor, with a computer, over a network, for example see Figures 4 and 5, and page 10 lines 23 et seq. Please see MPEP 2114, 2173.05(g) and 2106, which provides guidance to the Examiner in these matters.

The Examiner also appears to be concerned that the claim is unclear in that it may cover more than one statutory classes of invention. Claim 19 is an apparatus that recites the process or operations that that the website apparatus performs. Citing MPEP 2106:

For example, a claimed invention may be a combination of devices that appear to be directed to a machine and one or more steps of the functions performed by the machine. Such instances of mixed attributes, although potentially confusing as to which category of patentable subject matter the claim belongs, does not affect the analysis to be performed by USPTO personnel. Note that an apparatus claim with process steps is not classified as a "hybrid" claim; instead, it is simply an apparatus claim including functional limitations. See, e.g., *R.A.C.C. Indus. v. Stun-Tech, Inc.*, 178 F.3d 1309 (Fed. Cir. 1998) (unpublished).

Nor is this software per se, because the claim recites a particular apparatus, "a gift giving website" that is "enabling", over a network, a "first party" on a computer, to perform specific operations as recited in the claim over a network. Software on its own can not perform an operation, like "enabling", and "the enabling is carried out without revealing a non-pseudonymous name corresponding to said first party in a database to said second party and without revealing a non-pseudonymous name of said second party in a database to said first party over said network", clearly this language requires acts performed on a computer. The computer is further defined or limited by the nature of the operations performed thereon, e.g., what the computer does further defines the computer. This is also not merely a program stored on a medium as a product. The claim does not cover software per se. See MPEP 2106, 2173.05(g) and *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

In order to move prosecution forward, claim 19 has been amended to clarifying the language. See the amendment above.

### **Claims 5, 7, and 8**

Claims 5, 7, and 8 have been rejected pursuant to 35 U.S.C. Sec. 112, second paragraph. The Examiner contends that these claims are vague and indefinite, in that it is not clear what "...giving said second party an opportunity to choose..."



means, and that the claims define only one outcome, such that another outcome possibility makes the claim indefinite, as is more precisely set out in the office action.

In response, the rejection is respectfully traversed. The Examiner's rejections of claims 5, 7 and 8 under 35 USCS 112 2<sup>nd</sup> are improper.

Claim 5 is clear as written. The phrase "giving said second party an opportunity to choose whether said second party will accept, or will not accept, attempted gifts..." has not been shown to be confusing. Specifically, "giving said second party an opportunity to choose", in the context of the claim, plainly, means that the second party is given the opportunity to make a decision between opting to make a choice of whether they will or will not accept attempted gifts, or opting not to making this choice. This is only an opportunity to make the choice, i.e., they do not need exercise any choice between accepting or not accepting attempted gifts, it is only giving them the opportunity.

As to the examiner's concern regarding claim 5 reciting only one possible outcome, this is a matter of breath not indefiniteness. A claim that is constructed using 'comprising' is interpreted as open ended, and only limited by the positive recitations of limitations. Using a conditional "if" statement in a claim should not render the claim indefinite, simply, because not all possible outcomes are recited. Indefiniteness could occur in situations where multiple "if" statements are contradictory or become confusing, however, this is clearly not the case. Applicant used a single conditional "if" stanza in claim 5, for the situation where the second party exercises their opportunity to decide whether or not to accept attempted gifts, when this occurs the storage step is performed. In this particular claim, it is clear that if the opportunity is not taken by the second party, then the storage step will not be performed. This claim language is clear and definite. Withdrawal of the rejections of claims 5, and for the same reasons, claims 7 and 9, is earnestly solicited

**Applicant's Response to Examiner's Rejections Under 35 U.S.C. Sec. 102**

Claims 19, 20-21, 28, 29, 115-117, 124 and 125 have been rejected under 35 U.S.C. Sec. 102. The Examiner contends that these claims are anticipated by Bezos et al. (US2002/1078089).

In response, the rejection is respectfully traversed as improper because the elements of these claims are not taught in Bezos.

Claim 19 cannot be anticipated, under 35 U.S.C. 102(e), by Bezos, because not all the limitations, either expressly or inherently, are taught. After a comprehensive reading of Bezos with a keen eye on the Examiner's citations from the Non-Rejection dated, June 13, 2008, specific to paragraph 0016, lines 1-14 and paragraph 0022, and Figures 1, 5 and 6, Bezos does not teach the claimed limitations of "without revealing a non-pseudonymous name corresponding to said first party to said second party ***and without revealing a non-pseudonymous name of said second party to said first party***". [emphasis added] The rejection is therefore deficient.

The first party in Benzos knows the non-pseudonymous name of the person they are sending the package to, but may not have all the delivery information, which may be remedied by attempting to call or emailing the recipient for delivery information, If no response is provided by the recipient the system searches other databases to fill in the delivery information based on other information like the recipient's telephone number. The second party is sent an email to the one given by the sender, which includes tracking information and a request for delivery information, if no response is given then the system places the order on hold until enough delivery information is found. See paragraphs 0015, 0020, 0023

Throughout Bezos, it is made clear that the first party provides, at a minimum the recipient's name and secondary information, therefore the first party knows

the non-pseudonymous name of the second party, which is completely contrary to applicant's claim 19. See paragraph 0015 lines 11-12 and 0016 lines 43-44, 0021 lines 38-40, for example. Therefore, Bezos teaches the opposite of ***without*** revealing a non-pseudonymous name of the second party to the first party. This is not taught by Bezos et al. Statutory anticipation of claim 19 has not been shown based on Bezos.

With respect to dependent claims 21, 115-117, 124 and 125, the Examiner has taken the position that "if the telephone is used, and a message is left, see figures 5 and 6, if the recipient doesn't return the call to provide delivery information, the recipient has effectively refused receipt of the gift. "Effectively" is not the same as the active operation of "a website determines whether said second party would accept said gift prior to said first party to send said gift". Moreover, Bezos is directed to attempting to contact the recipient through email or telephone to verify the delivery information, if they cannot be contacted the package can not be delivered, and the order is placed on hold, Inability to deliver a gift based on missing delivery information is not the same as determining if the recipient, *would* accept a gift. Not receiving a response is inactivity, which is not the same as actively determining if the second party *would* accept a gift *prior* to the first party sending the package. Statutory anticipation of claims 21, 115-117, 124 and 125 has not been shown based on Bezos.

Accordingly, claim 19, 21 and 115-117 cannot be anticipated by Bezos, and the rejections of dependent claims based on the faulty rejection of claim 19 are therefore deficient too, i.e., claims 20-21, 28, 29, 115-117, 124 and 125 are allowable over the art for the above rational.

#### **Applicant's Response to Examiner's Rejections Under 35 U.S.C. Sec. 103**

Claims 1-2, 4, 5, 9, 11-14, 16, 22-24, 26, 30-34, 36-46, 48, 62-66, 68-78, 80, 94-98, 100-105, 107-110, 112, and 126-128 have been rejected pursuant to 35

U.S.C. Sec. 103. The Examiner contends that the claims are obvious over Bezos in view of Kobata et al. (U.S. Patent No. 7,051,003)

Claims 15, 47, 79, and 111 have been rejected pursuant to 35 U.S.C. Sec. 103. The Examiner contends that the claims are obvious over Bezos in view of Walker (U.S. Patent No. 6,330,544)

Claims 17, 18, 49, 81, 82, 113 and 114 have been rejected pursuant to 35 U.S.C. Sec. 103. The Examiner contends that the claims are obvious over Bezos in view of Kobata and further in view of Oneda (U.S. Patent No. 5,965,860)

Claims 51-53, 60-61, 83-85, 92-93, and 129-133 have been rejected pursuant to 35 U.S.C. Sec. 103. The Examiner contends that the claims are obvious over Bezos in view of MacNaughton et al. (U.S. Patent No. 5,796,393).

Claims 3, 35, 67, 86-88, 90 and 99 have been rejected pursuant to 35 U.S.C. Sec. 103. The Examiner contends that the claims are obvious over Bezos in view of Kobata and further in view of MacNaughton.

In response, Applicant respectfully submits that the rejections pursuant to Sec. 103 are improper for failing to establish a prima facie case of obviousness. Moreover, the Examiner has improperly characterized the requirements for making a prima facie case of obviousness.

Reciting from MPEP 2142, which in part states “[t]he examiner bears the initial burden of **factually supporting** any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.....the key to supporting any rejection under 35 USC 103 is the **clear articulation of the reason(s) why the claimed invention would have been obvious.**” [emphasis added] The examiner has not clearly articulated any facts supporting a determination of obviousness based upon the assertion that the combination of references would have yielded a predictable result.

As is also recognized in MPEP 2142, “[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S Ct. 1727(2007), 82 USPQ2d 1385, 1396 noted that the ***analysis supporting*** a rejection under 35 USC 103 ***should be explicit.***” [emphasis added] The examiner has not provided an explicit analysis with facts supporting the rejection. An assertion that the combination of references would have yielded a predictable result is not an explicit analysis.

The Federal Circuit has made clear that “rejection on obviousness cannot be sustained with mere conclusory statement; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” In *re Kahn*, 441 F.3d 977,988,78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR International, Id.* Rendering a conclusion of obviousness, based upon an assertion that a combination of references would have yielded predictable results, without clearly articulating an explicit analysis factually supporting the determination of obviousness is merely conclusory. Without providing rational, supported with some evidence, the conclusion is also mere conjecture.

Another defect of the rejection is that it ignores the fact that the “no change in their respective functions” is also required to make the case of obviousness. Citing from 2143:

The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with ***no change in their respective functions***, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1395; *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152, 87 USPQ 303, 306 (1950). “[I]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the

claimed new invention does." *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396. ***If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.*** [emphasis added]

Due to the dearth of analysis and factual support in support of Examiner's conclusion of obviousness the Examiner has not shown that with the combination of references there would be "no change in their respective functions". Per the foregoing analysis, the combination of prior art teachings would have required a change in their respective functions, therefore their combination could not have yielded predictable results and would have been unobvious.

A review of MPEP 2142, 2143 and 2145 makes clear that the examiner's statement of "the combination would have yielded predictable results", alone, does not meet the burden of making a prima facie case of obviousness, since it is absent of any supporting rational, explicit analysis or factual support for this conclusion of obviousness. *Id.* Examiner cites Ex parte Smith and Sakraida as authorities, however, neither holds any special relevance over the *KSR International* and *Graham v. Deere* decisions.

Applicant will not repeat the complete description and analysis of the teachings in Bezos, as provided in Applicant's response to the 102 rejections, only the most pertinent. The first party in Bezos, knows both the non-pseudonymous name and additional information, which the examiner considers a pseudonymous name, for the second party gift recipient, therefore, both the non-pseudonymous and pseudonymous are revealed, to the first party. For Bezos to operate as taught, the non-pseudonymous name is known to the first party before any further operations can be performed. This is the opposite of ***without*** revealing a non-pseudonymous name of the second party to the first party. Bezos requires the first party knowing the non-pseudonymous of the second, and for the first party to not knowing the non-pseudonymous would require a substantial change in its functions.

Substantial changes in the prior art's respective functions are required to encompass the instant claim elements. Specifically, to perform "without revealing a non-pseudonymous name of said second party to said first party" would require substantial changes to Bezos, for example. On its own, without substantial modifications to its teachings, any incorporation of this operation would disable the teachings in Bezos, since central to its teaching is that the first party knows the non-pseudonymous name of the second party. None of the teachings in Kobata, Walker, Oneda, or MacNaughton, separately or in combination, remedy this deficiency. Further, any combination of Bezos, Kobata, Walker, Oneda, or MacNaughton would require substantial changes in their individual functions in order to meet the claims, which renders the combination and claims unobvious. Moreover, the fact that Bezos requires such a diversion from its base teachings, means that any of the modifications and combinations as proffered by the examiner would further divert from the claimed elements.

As amended, the instant claims are such that the first party only knows the pseudonymous name of the second party, and the non-pseudonymous is not revealed to the first party, while ordering and sending the gift. The website includes a database that associates second party with their true name and address for shipping, however, the first party is not given access to this information while ordering and shipping the gift so they do not know the non-pseudonymous name of the second party. This is what makes the gift process a blind gift process. The sender does not know the true name of the recipient while ordering and shipping. This is not taught by Bezos et al., Kobata, Walker, Oneda, or MacNaughton, separately or in combination.

In sum, the Examiner has failed to make out a prima facie case of obviousness for the aforesaid claims rejected pursuant to Sec. 103.

Other amendments are to tidy up the claims and use claims rendered redundant by the above-provided amendment.

Ser. No. 09/295,230

Atty. Ref. Blind Gift

Art Unit: 3628

It is believed that the foregoing amendment places the application in  
condition for allowance, and a personal interview is hereby requested.